Adversary Case Opening

For Attorneys

Opening an Adversary proceeding involves entering the necessary information regarding the plaintiff, defendant, and basic statistical data. The complaint is incorporated into this process and will not need to be docketed separately. **At this time, when the filer is the attorney, he/she must add themselves as the attorney in this case.** This is the only time this process is required. (Refer to Step 8.)

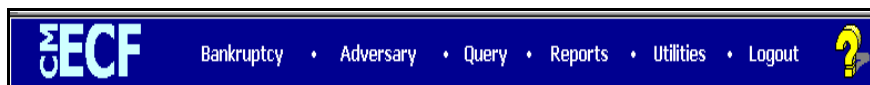**STEP 1**   Click the Adversary hyperlink on the CM/ECF main menu bar.

Figure 1

(See Figure 1.)

STEP 2   The **ADVERSARY EVENTS** screen displays. **(See Figure 2.)**

Figure 2
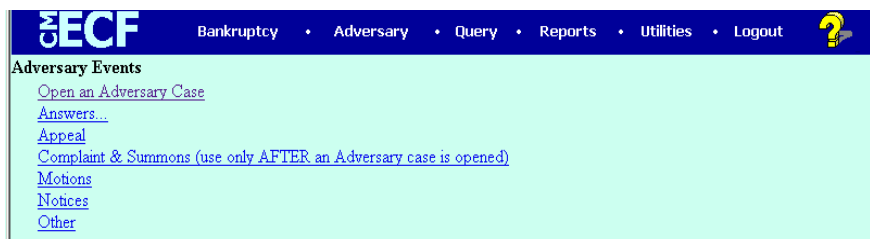
◆   Click the Open an Adversary Case hyperlink.

STEP 3   The **CASE DATA** screen displays. **(See Figure 3.)**

Figure 3

◆ The case number will be generated at the end of this process. Make sure you take note of it on the final screen.

◆ The **Case Type** values are ap for adversary proceeding and mp for miscellaneous proceeding. Miscellaneous cases are an internal court function. Always accept the default of ap.

◆ The current date is displayed next to **Date Filed**.

◆ The Complaint field signifies the lead event for this proceeding. If you are filing something other than a complaint such as a Notice of Removal, select **(n)** for no.

◆ Click **[Next]**.

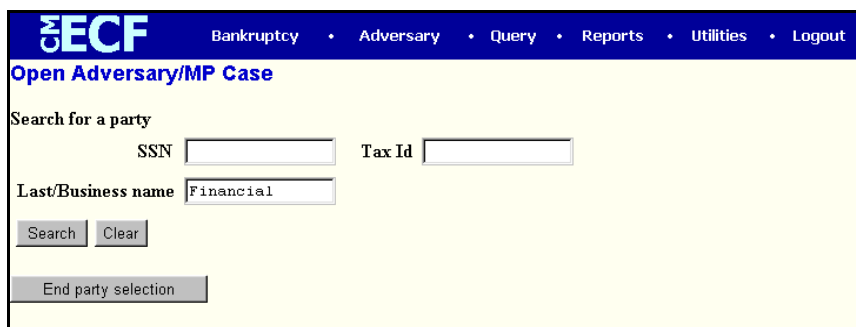**STEP 4** The **Lead Case Number** Screen. (See Figure 4)

Figure 4

◆ Enter the **Lead Bankruptcy Case Number** in yy-nnnnn format, including the hyphen.

NOTE: If the case number is invalid or if the lead case does not reside on this database, an error message, "**YY-NNNNN is not a valid case. Please enter a valid value.**" is generated. You will not be able to proceed with the case opening process. Research the reason for the error.

◆ Select the default of Adversary as the **Association Type**.

◆ Click **[Next]** to continue.

STEP 5   The **PARTY SEARCH** screen appears. **(See Figure 5.)**

Figure 5

◆ Before adding a party, it is recommended that one search the database for the filer. One can search by Social Security Number, Tax Identification Number, Last Name or Business Name.

• Enter the last name or the first few characters of the last name to search. If this is a business filing, enter the first word of the name to search the database. The entire business name is stored in the **Last/Business name** field. The field size is 80 characters
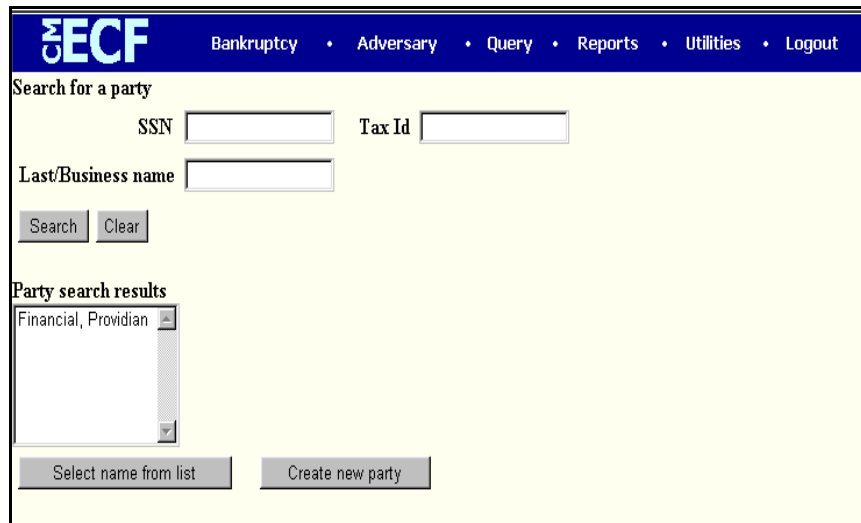

Search Hints:

• Enter one field of data for each search.
• Format Social Security Number or Tax ID with hyphens.
• Searching is case sensitive. (Smith, not smith)
• Include punctuation. (O'Brien, Zeta-Jones)
• Try alternate search clues if your first search is not successful.
• Partial names can be entered.
• Wild cards (*) are not required at the end of search strings.
• Wild cards may be used before or within search strings. (*son, Gr?y)
• Do not search only by the asterisk * itself.

♦ Enter the plaintiff's last name or other search clue and click **[Search]**. In Figure 5 we have entered the first word or the plaintiff's name (Financial).

NOTE: Do not use the asterisk * by itself as search criteria. If just the asterisk is used, the entire database will be searched and require unnecessary systems resources and may degrade response time.

STEP 6 The **SEARCH RESULTS** screen appears. **(See Figure 6)**

Figure 6

NOTE: If the designated party was already on the database, the Party Search Results screen would provide a listing of parties matching your search criteria. In that situation you would select the party by highlighting the name with your mouse and click on the **[Select Name From List]** button. **(See Figure 6)**

♦ In Figure 6 the only party on the database matching the search criteria was Financial, Providian. Since our party, Financial Services is not on the list, click the **[Create New Party]** button.

STEP 7   The **PARTY INFORMATION** screen appears. **(See Figure 7)**
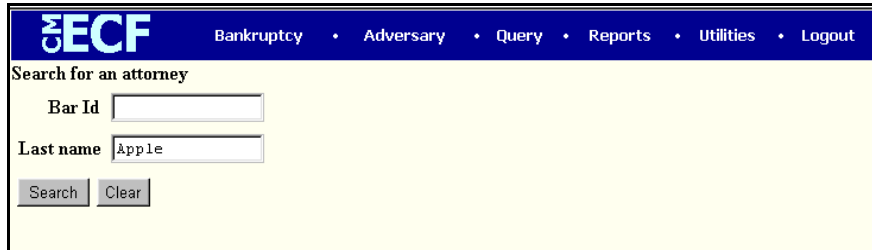

Figure 7

◆   Enter the plaintiff's **Name** in the appropriate boxes.

◆   Expand the **Role Type** selection pick list by clicking on the down arrow ▼ and select Plaintiff.

◆   The **Party Text** field is used for further party description, such as A California Corporation or Executor for the Estate of.... This information will appear on the caption of the docket report immediately after the party's name.

◆   Click on the **[Attorney]** button on the **PARTY INFORMATION** screen. **(See Figure 7.)**

STEP 8   For adversary openings **ONLY**, you will need to add yourself as the attorney representing the plaintiff(s). Steps 8 - 10 will show how this is done.

♦   Your attorney record already exists on the court's database in an

attorney roll that is maintained by court staff.

The **ATTORNEY SEARCH** screen allows you to retrieve your attorney record by Last Name (or partial Last Name.) **(See Figure 8.)**

Figure 8

♦ This exercise illustrates how one could search for the attorney Cornelius Appleby. The search clue entered in the Last Name field is the beginning of his last name.

♦ Click on **[Search]**.

STEP 9 The **ATTORNEY SEARCH RESULTS** screen will display all the matches for the search clue you entered. **(See Figure 9.)**

Figure 9

♦ When your name appears, highlight it with your mouse and click on **[Select Name From List].**

STEP 10   The **ATTORNEY INFORMATION** screen displays the master attorney record from the court attorney roll. **(See Figure 10a.)**
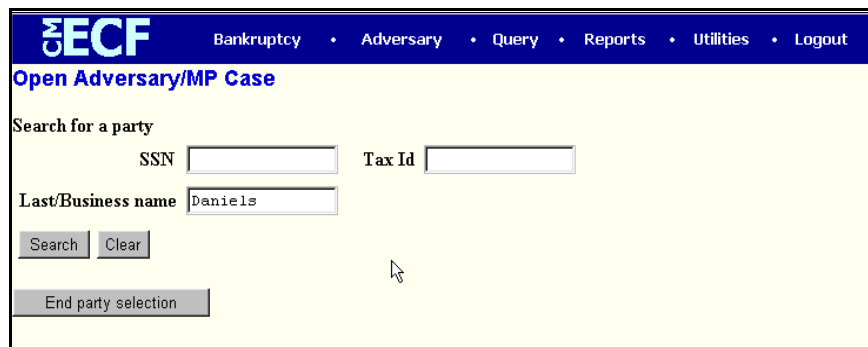

Figure 10a

♦   Your attorney record can accommodate only one address. If the address for this case is different, make the changes to this screen. This will change professional and mailing information FOR THIS CASE ONLY.

♦   After verifying this information, click **[Add Attorney]** to associate this record with your plaintiff.

♦   The main **PARTY INFORMATION** screen again appears. **(See Figure 7)** At this time you could click on the **[Review]** button to verify attorney and alias information for this party. Figure 10b shows how this information is displayed.

Figure 10b

◆   Click on the **[Return to Party]** button.

◆   When the Party Information screen appears again, Click **[Submit]**.
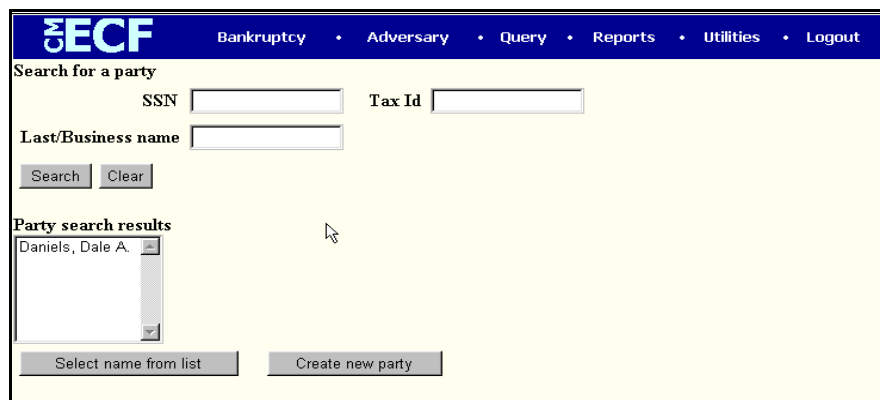
STEP 11   You have added the plaintiff and if there are no more plaintiffs, the next step is to add the defendant(s). The **PARTY SEARCH** screen will appear again for that purpose. **(See Figure 11.)**

Figure 11

♦   Enter party information for the defendant Dale A. Daniels. Search by last name.

STEP 12   When the **SEARCH RESULTS** screen appears, the party will be displayed because Dale Daniels is already a debtor on the bankruptcy case. **(See Figure 12.)**

Figure 12

◆   Highlight the name and click on **[Select name from list].**

STEP 13   The **SEARCH RESULTS** screen appears next with this party's data and address as it is recorded in the database from the bankruptcy case. **(See Figure 13.)**

Figure 13

Follow your court's procedures for addresses for defendants. You must select the Party Role by clicking on the ▼ down arrow for the **Party Role** field and highlighting Defendant. If you know the attorney for the Defendant you may add him now by selecting the **[Attorney]** button. (See **Step 8-10)**. If you do not know the attorney for the defendant, click on **[Submit]**.

◆   The Party Search screen will reappear. Since all parties have now been entered, click on **[End Party Selection].** Statistical information will be entered on the next screen.

STEP 14   The **ADVERSARY STATISTICAL** screen appears. **(See Figure 14a)**.

Figure 14a

◆　　　　**Party Code** - Unless the US is a plaintiff or defendant in your case, accept the default **US is not a Party in the Case**.

Other values are:

```
3 U.S. Not a Party in the Case  ▼
1 U.S. is a Plaintiff
2 U.S. is a Defendant
3 U.S. Not a Party in the Case
```
Figure 14b

◆　　　　Select the **Nature of Suit** of the complaint from the list below. **(See Figure 14c.)** If there are multiple suits in an adversary, only one can be selected.
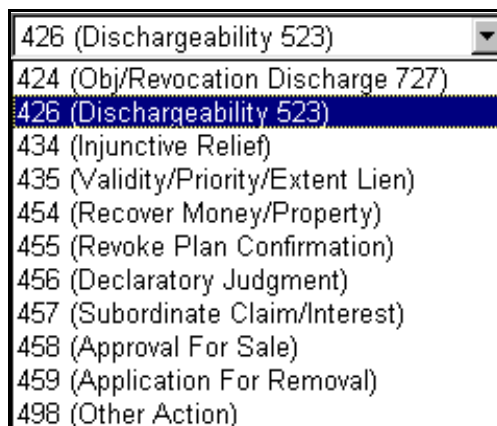
```
426 (Dischargeability 523)          ▼
424 (Obj/Revocation Discharge 727)
426 (Dischargeability 523)
434 (Injunctive Relief)
435 (Validity/Priority/Extent Lien)
454 (Recover Money/Property)
455 (Revoke Plan Confirmation)
456 (Declaratory Judgment)
457 (Subordinate Claim/Interest)
458 (Approval For Sale)
459 (Application For Removal)
498 (Other Action)
```
Figure 14c

•　　　　Click on 426 (Dischargeability 523 for this exercise.

NOTE:　　　　**If one of the multiple suits is a 727 Objection to Discharge, it is important to enter 424 as the Nature of Suit.**

◆ The **Origin** code defaults to original proceeding. **(See Figure 14d.)** No action is necessary to accept the default. Other values are:
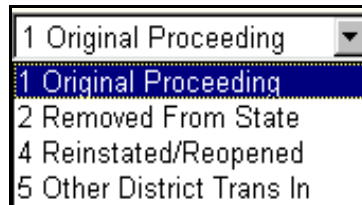

Figure 14d

◆ The default in the **Rule 23 (Class Action)** box is *n*. Change the default to *y* only if this is a Class Action suit.

◆ The default in the **Jury Demand** box is *n* (None). **(See Figure 14e.)** Highlight the appropriate selection.
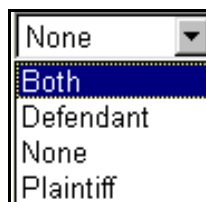

Figure 14e

◆ **Dollar Demand.** If there is a dollar demand, enter the amount in thousands to the nearest thousand. For example, if the Dollar Demand is $4550, $5,000, or $5499, you would enter **5** for $5000, leaving off the 000.

◆ Verify the data on your screen and then click **[Next]**.

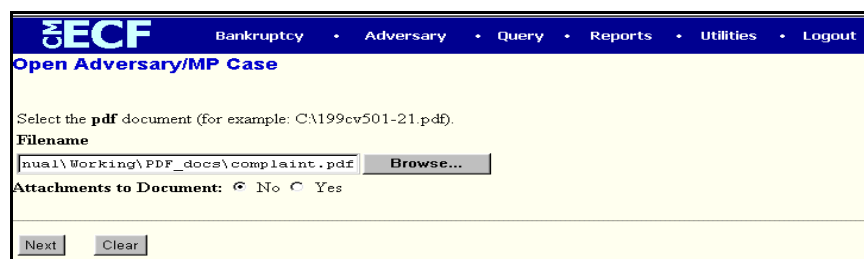**STEP 15** The **PDF DOCUMENT SELECTION** screen displays. **(See Figure 15a.)**

Figure 15a

◆   To associate the imaged document with this entry, select the PDF filename of the complaint you are filing.

- Click **[Browse]**, then navigate to the directory where the appropriate PDF file is located and select it.

- To make certain you are about to associate the correct PDF file for this entry, right click on the filename with your mouse and select **Open**. **(See Figure 15b.)**
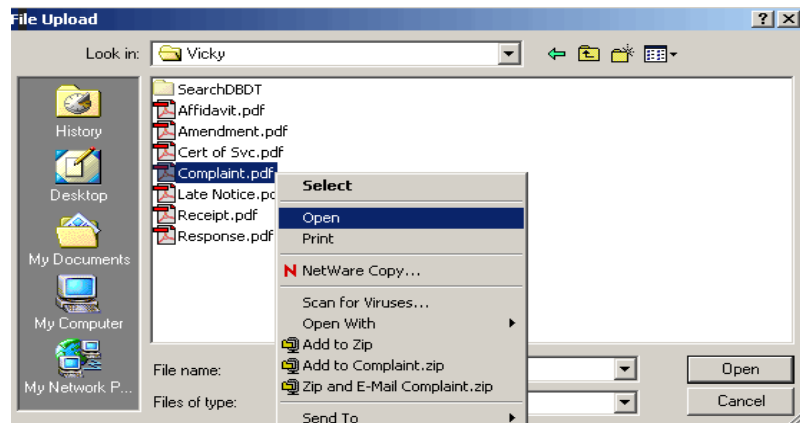

Figure 15b

- This will launch the Adobe Acrobat Reader to display the contents of the imaged document. Verify that the document is correct.

- Close or minimize the Adobe application and if that is the correct file, click Open on the File Upload dialogue box. **(See Figure 15c.)**
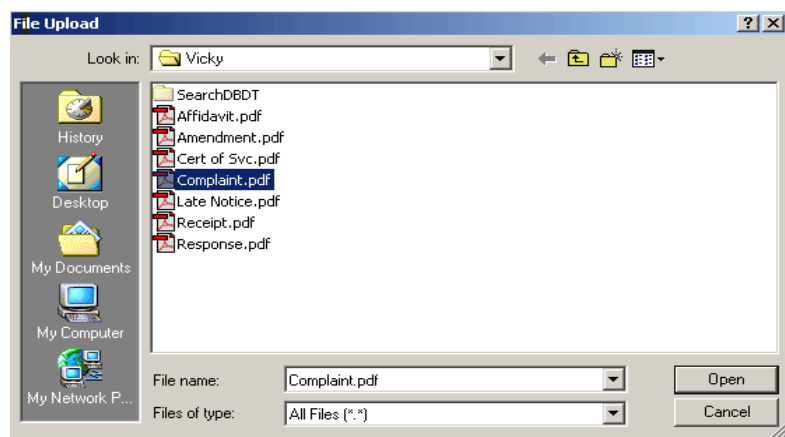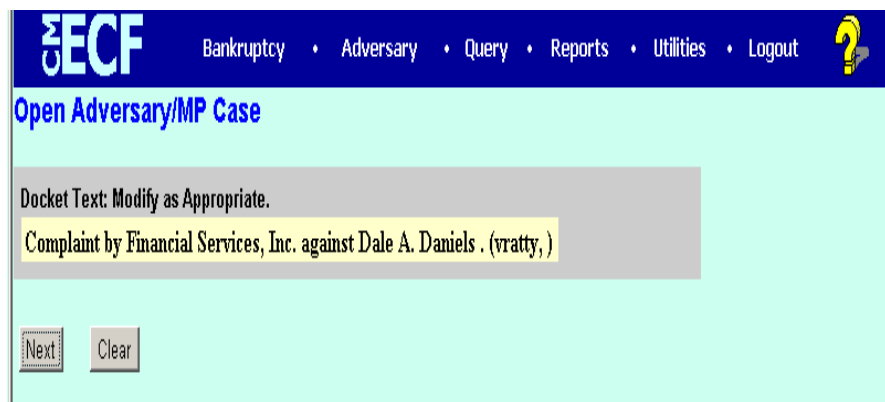

Figure 15c

◆   There will be no attachments in this exercise. Attachments will be covered in another lesson. Therefore, leave the radio button indicating No.

◆   Click **[Next]** to continue.

STEP 16   A screen with this message may appear:

> **"FOR COURT USERS ONLY**: If this is a 727 Objection to Discharge, Docket the Flag Set-727 Objection to Discharge Event Next.**,"**

This is for **court staff only** and as an attorney filer; you can disregard this notation.

STEP 17   The **FINAL DOCKET TEXT** screen displays. **(See Figure 17)**

Figure 17

◆   Proof this screen carefully! No further editing in the case opening process is allowed after this screen.

◆   If any part of it is incorrect, click the browser **[Back]** button to return to the screen you need to correct. Then process the screens again with the respective **[Next]** or **[Submit]** buttons.

NOTE: **When an adversary is opened, the complaint information is spread over to the main bankruptcy case. (The case number does not appear in the docket text.)**

When the judgment is rendered, the ruling will also spread over to the main bankruptcy case.

NOTE: To abort or restart the transaction at any time up until the final docket text screen, click the **Adversary** hyperlink on the **Menu Bar**.

STEP 18   The **NOTICE OF ELECTRONIC FILING** screen appears. **(See Figure 18a)**

Figure 18a

◆   The Notice of Electronic Filing is the verification that the filing has been sent electronically to the court's database. It certifies that this is now an official court document.

◆   The case number is a hyperlink to the docket sheet and clicking on the document number hyperlink will display the image of the complaint. **The case number of both this adversary and the lead bankruptcy case appear**. This indicates that this complaint entry has spread to the bankruptcy case and will be available to anyone reviewing the Bankruptcy Docket report. The hyperlink to

the imaged complaint is also accessible from the bankruptcy case.

◆ Further access to the **Notice of Electronic Filing** is available though the electronic docket report. When this option is selected, a bullet appears next to the document number of the event on the docket report. **(See Figure 18b)** Clicking on this bullet will display a copy of this notice. Attorney users will be presented with a PACER login screen first. **(See Figure 18c)**
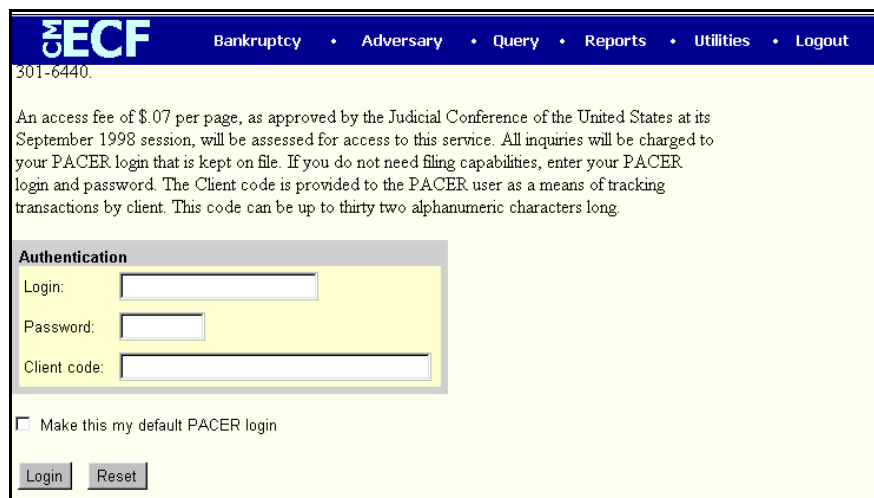
01/08/2001	●3	Complaint by Financial Services, Inc. against Dale A. Daniels. (Vratty)

Figure 18b

◆ To print a copy of this notice, click the browser **[Print]** icon.

◆ To save a copy of this receipt, click **[File]** on the browser menu

◆ Trustee and Attorney users will have access to the **Notice of Electronic Filing** at the time of their filing. Subsequent access to any Query or Report programs must go through the PACER system**. (See Figure 18c)**

301-6440.

An access fee of $.07 per page, as approved by the Judicial Conference of the United States at its September 1998 session, will be assessed for access to this service. All inquiries will be charged to your PACER login that is kept on file. If you do not need filing capabilities, enter your PACER login and password. The Client code is provided to the PACER user as a means of tracking transactions by client. This code can be up to thirty two alphanumeric characters long.

Authentication

Login:

Password:

Client code:

☐ Make this my default PACER login

Login   Reset

Figure 18c

◆ When a copy of the **Notice of Electronic Filing** is mailed to each subscriber on the case, the following message will display at the top:

NOTE TO PUBLIC ACCESS USERS
You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.